

THE LAW OFFICES OF LINDA M. TIRELLI PC

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-All correspondence and service MUST be addressed to the White Plains NY Office-

Linda M. Tirelli*

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July 5, 2010

American Home Mortgage Servicing Inc.
P.O. Box 631730
Irving, TX 75063-1730
Via Certified First Class US Mail RRR#7009 3410 0001 2124 7906

RE: My Clients: Mr. Arthur Durant and Mrs. Maryann Durant

Property Address:

3720 Dyre Avenue
Bronx, NY 10466

Your Acct # 647400164

QUALIFIED WRITTEN REQUEST

Dear Sir or Madam:

Please treat this letter as a "qualified written request" under the Federal Servicer Act, which is a part of the Real Estate Settlement Procedures Act, 12 U.S.C. 2605(e). This request is made on behalf of my Clients, Mr. Arthur Durant and Mrs. Maryann Durant, the above-named borrowers, based on the pending proof of claim filed by you in the above referenced bankruptcy case. Specifically, we are in dispute as to the identity of the true owner of this debt (if any) your authority and capacity (if any) to collect on behalf of the same. We are also in dispute about the proper application of payments from the debtors to interest, principal, escrow advances and expenses (in that order of priority as provided for in the loan instruments); about your use of automatically triggered property inspections and broker price opinion charges and fees based on pre-petition legacy accounting for pre-petition arrears; and about legal fees and expenses that have been attached to this account but that have neither been applied for nor approved by the United States Bankruptcy Court. Moreover, I note the itemization affixed to your proof of claim indicates use of suspense account(s) not authorized under the governing loan documents and prohibited by law and given that my clients do not recognize your company's purported client and has not listed the same as a creditor in their petition, we dispute your status as servicer and request documentation regarding the same. Specifically, I am requesting the following information:

1. A complete and itemized statement of the loan history from the date of the loan to the date of your response to this letter including, but not limited to, all receipts by way of payment or otherwise and all charges to the loan in whatever form. This life of the loan



*The Law Offices of Linda M. Tirelli, designated as a Federal Debt Relief Agent by an Act of Congress and the President of the United States, proudly assists consumers seeking relief under the US Bankruptcy Code. Attorney Linda Tirelli is a proud and active member of the NACBA, devoted to the assistance of consumer debtors.

transactional history should include the date of each and every debit and credit to any account related to this loan, whether restricted or not restricted, the nature and purpose of each such debit and credit, and the name and address of the payee of any type of disbursement related to this loan.

2. A complete and itemized statement of all advances or charges against this loan, restricted or unrestricted, recoverable or non-recoverable, and for any purpose that are not reflected on the life of loan history transaction statement provided in answer to question #1.
3. A complete and itemized statement of the escrow account of the loan, if any, from the date of the loan to the date of your response to this letter, including, but not limited to, any receipts or disbursements with respect to real estate property taxes, fire or hazard insurance, flood insurance, mortgage insurance, credit insurance, purchase mortgage insurance, or any other type of insurance product.
4. Have you purchased and charged to the account any Force-Placed Insurance?
5. A complete and itemized statement from the date of the loan to the date of your response to this letter of the amounts charged for any forced-placed insurance, the date of the charge, the name of the insurance company, the relation of the insurance company to you or a related company, the amount of commission you received for each force-placed insurance event, and an itemized statement of any other expenses related thereto.
6. A complete and itemized statement from the date of the loan to the date of your reply to this letter of any suspense account entries and/or any corporate advance entries related in any way to this loan.
7. A complete and itemized statement from the date of the loan to the date of your reply to this letter of any property inspection fees, property preservation fees, broker opinion fees, appraisal fees, bankruptcy monitoring fees, or other similar fees or expenses related in any way to this loan.
8. Identify the provision under the Mortgage and/or note that authorizes charging each and every such fee against the loan of the debtors.
9. Please attach copies of all property inspection reports and appraisals, broker price opinions of value, bills and invoices, and checks or wire transfers in payment thereof.
10. A complete copy of any key loan transaction report or reports and any reports indicating any charges for any "add on products" sold to the debtors in connection with this loan from the date of the loan to the date of your reply to this letter.
11. A complete and itemized statement of any and all post-petition arrears including each month in which the default occurred, and the amount of each monthly default.

12. A complete and itemized statement of any late charges added to this loan from the date of this loan to the date of your reply to this letter.
13. A complete and itemized statement from the date of the loan to the date of your reply to this letter of any fees incurred to modify, extend, or amend the loan or to defer any payment or payments due under the terms of the loan.
14. An itemized statement of the current amount needed to pay-off the loan in full.
15. A full and complete comprehensible definitional dictionary of all transaction codes and other similar terms used in any of the documents or records requested or referred to herein.
16. A complete and itemized statement of any funds deposited in any post-petition suspense account(s) or corporate advance account(s), including, but not limited to, the balance in any such account or accounts and the nature, source and date of any and all funds deposited in such account or accounts.
17. A complete and itemized statement from the date of this loan to the date of your reply to this letter of the amount, payment date, purpose and recipient of all foreclosure expenses, NSF check charges, legal fees, attorney fees, professional fees and other expenses and costs that have been charged against or assessed to this loan and whether or not such charge or fee is recoverable or non-recoverable.
18. A complete and itemized statement of the amount, payment date, purpose and recipient of all fees for the preparation and filing of the original proof of claim, any amended proofs of claim or any supplemental proofs of claim in this case.
19. The full name, address and telephone number of the current holder of the original mortgage note including the name, address and phone number of any trustee or other fiduciary. This request is being made pursuant to Section 1641(f)(2) of the Truth In Lending Act, which requires the servicer to identify the holder of the debt.
20. The name, address and telephone number of any master servicers, servicers, sub-servicers, contingency servicers, back-up servicers or special servicers for this mortgage loan.
21. A copy of any mortgage Pooling and Servicing Agreement and all Disclosure Statements provided to any Investors with respect to any mortgage-backed security trust or other special purpose vehicle related to the said Agreement and any and all Amendments and Supplements thereto.
22. If a copy of the Pooling and Servicing Agreement has been filed with the SEC, provide a copy of SEC Form 8k and the Prospectus Supplement, SEC Form 424b5.
23. The name, address and telephone number of any Trustee under any pooling or servicing agreement related to this loan.

24. A copy of the Prospectus offered to investors in the trust.
25. Copies of all servicing, master servicing, sub-servicing, contingency servicing, special servicing, or back-up servicing agreements with respect to this loan.
26. All written loss-mitigation rules and work-out procedures and loan modifications options or programs related to any defaults regarding this loan and similar loans.
27. A summary of all fixed or standard legal fees approved for any form of legal services rendered in connection with this loan.
28. Is this a MERS Designated Mortgage Loan? If the answer is yes, then identify the electronic MERS number assigned to this loan.
29. The original loan number which appears on the original loan documents and which has been redacted from the proof of claim as filed.
30. A full color, double sided, certified true copy of the original loan documents including the Mortgage, Note and all subsequent assignments.
31. Please state the full name and address of any attorney you have retained to provide any legal services in this case within six (6) months of the petition date or at any time post-petition.
32. Please provide verification of any notification provided to Mr. and Mrs. Ramos advising them of a change in servicer.
33. A full itemization and accounting for the use of all suspense accounts and/or otherwise unapplied funds during the life of this loan including the authority relied upon for using any and all suspense accounts and/or otherwise unapplied funds.

You should be advised that you must acknowledge receipt of this qualified written request within 20 business days, pursuant to 12 U.S.C. Section 2605(e)(1)(A) and Reg. X Section 3500.21(e)(1).

You should also be advised that the debtor herein will seek the recovery of damages, costs, and reasonable legal fees for each failure to comply with the questions and requests herein. The debtor(s) also reserve the right to seek statutory damages for each violation of any part of Section 2605 of Title 12 of the United States Code.

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With best regards, I remain

Very truly yours,

Linda M. Tirelli, Esq.

Cc: Jeffrey Sapir, Chapter 13 Trustee
Greg Zipes, UST
David Babel, Esq., Debtor's Counsel
Alan Weinreb, Esq.
Lawrence J. Buckley, Esq.
Mr. and Mrs. Durant, Clients